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December 4, 1998

Magalie Roman Salas
Federal Communications Commission
The Portals
445 Twelfth Street, S.W.
Washington, DC 20554

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DEC - 4 1998

**FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY**

Attention: Amy Zoslov

**Re: Mid-Tex Cellular, LTD. Petition for Waiver Pursuant to Section
20.18(c) of the Commission's Rules; CC Docket No. 94-102**

Dear Ms. Salas:

Transmitted herewith, on behalf of Mid-Tex Cellular, LTD. ("Mid-Tex") and pursuant to §1.3 of the Federal Communications Commission's ("Commission") rules, are an original and four copies Mid-Tex's Petition for Waiver of the December 31, 1998 deadline ending the suspension of enforcement of Section 20.18(c) of the Commission's rules, as that section relates to the transmission of 911 calls made from TTY devices using digital wireless systems. The petition contains a facsimile signature. The original signature will be filed with the Commission as soon as it is available.

Should you have any questions concerning this matter, please communicate directly with the undersigned.

Sincerely,

Michael R. Bennet

Michael R. Bennet

MRB/jmb
Enclosures

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Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, DC 20554

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DEC - 4 1998

**FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY**

In the Matter of)
)
Revision of the Commission's Rules)
To Ensure Compatibility with)
Enhanced 911 Emergency)
Calling Systems)

CC Docket No. 94-102

To: Wireless Telecommunications Bureau

**Mid-Tex Cellular, Ltd., Request for Waiver
of Section 20.18(c) of the Commission's Rules**

I. Introduction

Mid-Tex Cellular, Ltd. ("Mid-Tex"), pursuant to § 1.3 of the Rules and regulations of the Federal Communications Commission ("FCC" or "Commission"),¹ hereby requests a limited waiver of the December 31, 1998 deadline ending the suspension of enforcement of Section 20.18(c) of the Commission's Rules, as that section relates to the transmission of 911 calls made from TTY devices using digital wireless systems as set forth in the Commission's November 13, 1998 *Order*.²

Mid-Tex is a small, rural cellular carrier operating in the Texas RSA-9B2 market and headquartered DeLeon, Texas. Mid-Tex's wireless network is both digital and analog and its users have either analog phones or dual-mode analog/digital phones. All of Mid-Tex's phones automatically transmit 911 data over the analog network. Accordingly, Mid-Tex believes that it is in full compliance with Section 20.18(c). However, because Mid-Tex is incapable of

¹47 C.F.R. § 1.3 (1996).

²In the Matter of Revision of the Commission's Rules To Ensure Compatibility with Enhanced 911 Emergency Calling Systems, CC Docket No. 94-102, Order, RM-8143 (rel. November 13, 1998) ("*Order*").

transmitting 911 calls made from TTY equipment over the digital portion of its network (even though the analog capability on all Mid-Tex phones renders such transmission unnecessary), Mid-Tex, out of an abundance of caution, is requesting a waiver of Section 20.18(c).

II. Background

On November 13, 1998, the Wireless Telecommunications Bureau released an *Order* extending through December 31, 1998, the suspension of enforcement of Section 20.18(c) of the Commission's Rules regarding the transmission of 911 calls made from TTY devices using digital wireless systems. While the Commission recognized the difficulties the industry (represented by the Wireless TTY Forum) was experiencing in achieving TTY compatibility with digital systems, the Commission was also concerned about "the significant benefits the requirements established in Section 20.18(c) will provide to individuals who are deaf, hard-of-hearing, or who have speech disabilities" and pushed for an interim solution that included this waiver process in order to continue "the process of achieving carrier compliance."³ In the *Order*, the Commission established specific procedures under which wireless carriers subject to the requirements of Section 20.18(c) may petition the Commission for a waiver of those requirements. In accordance with these procedures, what follows are the steps Mid-Tex is taking to provide users of TTY devices with the capability to operate such devices in conjunction with digital wireless phones.

III. Compliance Efforts

Mid-Tex is currently working with its wireless switch manufacturer, Nortel, on a viable solution to digital 911 for TTY users. Unfortunately, for the time being, it is technically

³*Order* at p. 3.

impossible for Mid-Tex to offer TTY access to 911 over the digital wireless portion of its dual-mode system until Nortel makes the appropriate equipment commercially available. While Nortel's equipment is capable of transmitting analog 911 calls, Nortel has yet to develop the equipment necessary to connect with digital wireless handsets and the 911 text message may be corrupted by the consumers' equipment.

Nortel's IS-95 CDMA air interface equipment, in the short term, is incapable of transmitting a 911 call with sufficient error-free text to elicit a proper emergency response. Nortel's IS-136 TDMA air interface equipment is also incapable, in the short term, of transmitting error-free text messages depending upon the type of vocoder used in the system, the type of text message, and the type of handset. In addition, Nortel maintains that industry standards to support TTY operation in digital mode are not currently defined. Nortel has informed Mid-Tex that Nortel Networks is working with other equipment manufacturers to define the standards needed to make the digital service work. A timely compliance solution depends not only upon Nortel's equipment, but also the makers of TTY equipment. Unfortunately, the only impact Mid-Tex has on this process is creating a demand for functional 911/TTY equipment.

Mid-Tex has made quite clear to Nortel the importance of timely compliance with the FCC's rules. However, Nortel has informed Mid-Tex that it may take as long as twelve to eighteen months for a finished product that can accommodate digital TTY use.⁴ Mid-Tex will continue to work with Nortel to develop a system that can work for Mid-Tex's customers. Mid-Tex will keep the Commission informed about its progress. If the equipment manufacturers

⁴*See Order* at ¶ 5, footnote 4.

could be more definite about their solutions, Mid-Tex could provide the Commission with a more definite date when it will be capable of transmitting TTY signals over the digital portion of its network.

In the meantime, Mid-Tex's analog network is fully capable of sending 911/TTY calls although, at the moment, Mid-Tex has no TTY customers. Mid-Tex will certainly inform any future TTY customers of their options concerning public safety network access over Mid-Tex's network.

Mid-Tex is committed to the safety of its customers who are deaf, hard-of-hearing, or who have speech disabilities and will work with these customers to provide them with any technically feasible telecommunications features or information such as ANI or volume control that will allow these users to access the network. Nevertheless, Mid-Tex is in the position of transporting and terminating the signal, not in the position of manufacturing the equipment that carries the signal or the end user equipment. Mid-Tex appreciates the FCC's commitment to solving this industry-wide incompatibility as soon as possible and believes the deadline and subsequent waiver procedure will speed industry compliance. Mid-Tex is aware of its obligation to file a submission every three months if it is unable to implement digital TTY capability and, if granted this waiver, will keep the FCC informed of the progress it has made with its equipment manufacturers toward making digital 911/TTY a reality.

For the foregoing reasons, Mid-Tex submits that the limited waiver requested is in the public interest.

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Respectfully submitted,

Mid-Tex Cellular, Ltd.

By Toney Prather
Toney Prather
General Manager

December 4, 1998